

STAND. COM. REP. NO.

737

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 1948

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian
Affairs, to which was referred H.B. No. 1948 entitled:

"A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS,"

begs leave to report as follows:

The purpose of this bill is to establish an Aha Moku Council
System, in which the Aha Moku Councils, or community groups, serve
in an advisory capacity on all matters regarding the management of
the state's natural resources.

The Nature Conservancy of Hawai'i, the Association of Hawaiian
Civic Clubs, the Hawaiian Civic Club of Hilo, the Princess
Ka'iulani Hawaiian Civic Club, the O'ahu Council of the Association
of Hawaiian Civic Clubs, the Pacific Islands Resource Management
Institute, the Hawaii Nearshore Fishermen, and a large number of
concerned individuals testified in support of this bill. The
Department of Land and Natural Resources and the Ko'olaupoko
Hawaiian Civic Club supported the intent of this measure. The
Office of Hawaiian Affairs supported this bill with amendments.

Your Committee has amended this bill by:

- (1) Creating a new chapter in Title 12, Hawaii Revised
Statutes (HRS) Conservation and Resources, instead of
inserting a new section in Chapter 187A, HRS, Aquatic
Resources;



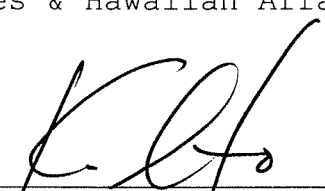
- (2) Including "agricultural" and "cultural" as additional focuses of the Council;
- (3) Requiring all state agencies to consult the Aha Moku Councils for advisory input from all councils that are likely to be affected by the state agency's proposed activity, for management and maintenance of marine, land, cultural, and natural resources to ensure their future sustainable use;
- (4) Clarifying the role of the executive secretary;
- (5) Providing that the Governor appoints the executive secretary based on recommendations of the mokus;
- (6) Prohibited the executive secretary from holding a seat on any of the councils;
- (7) Clarifying that the only member of the Aha Moku Commission (Commission) is the executive secretary;
- (8) Clarifying that the executive secretary, not the council members shall be reimbursed for their expenses;
- (9) Defining the Commission to mean the administrative office responsible for providing administrative and technical support to the councils to enable the councils to carry out their duties;
- (10) Clarifying that each named moku has its own council, and that there are no collective councils for each island;
- (11) Removing the provision that the Commission would develop a council elections system;
- (12) Clarifying that each moku decides on its own electoral process; membership on council; qualifications for membership; and term limits;
- (13) Clarifying the councils' activities to include meetings and collection of information from ahupua'a residents to be transmitted to the various branches of state government;



- (14) Defining ahupua'a resident to mean a resident who lives in the ahupua'a as his or her primary and permanent residence;
- (15) Providing that "people knowledgeable of the moku" can also participate in the meetings to collect information and recommendations;
- (16) Inserting a purpose section in the new chapter, to clarify the purpose and function of the Aha Moku Council System; and
- (17) Making other technical, nonsubstantives changes for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1948, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1948, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, Ocean
Resources & Hawaiian Affairs,



KEN ITO, Chair



